

REMARKS

This amendment is responsive to the Office Action of April 29, 2009. Reconsideration and allowance of claims 1-4 and 6-26 are requested.

The Office Action

Claims 1, 4, and 6-26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lee (US 2004/0039817) in view of Gunnarsson (US 2003/0118015).

The Present Amendment Should Be Entered

The present amendment makes minor corrections of a clerical or typographical error and does not alter the substance of the claims. It is submitted that this amendment should be entered as placing the application in better condition for appeal. The proposed amendments to the claims do not raise any issues that would require further search or consideration.

**The Claims Distinguish Patentably
Over the References of Record**

Claim 1 differs from the references of record in several respects.

First, claim 1 calls for the tracking means to predict future locations of the mobile unit. The Examiner does not allege in his discussion of claim 1 that either Lee or Gunnarsson predict future locations of the mobile unit. Indeed, neither Lee nor Gunnarsson predict future locations. In the discussion of claim 4, the Examiner asserts that there are a wide variety of techniques for precisely determining the location of a mobile terminal. Claim 1 calls for predicting future locations, not precisely determining the present location.

Second, claim 1 calls for a map not only of access points but also of relative signal strengths at predefined locations in the defined space. Lee discloses no map. The map of Gunnarsson only addresses access points and makes no suggestion of a memory which stores a map of relative signal strengths of signal locations at predetermined locations in the defined space.

Third, claim 1 calls for assigning a nearby access point based on (1) the predicted location of the mobile unit and (2) the map. Neither Lee nor

Gunnarsson predict locations of the mobile unit. Nor do Lee or Gunnarsson assign access points based on predicted location or on a map. Rather, both Lee and Gunnarsson establish communications based on signal strength.

Fourth, claim 1 calls for a map of access points and relative signal strengths. As the Examiner acknowledges, Lee discloses no map. Indeed, because Lee selects among access points based on relative signal strength rather than spatially, Lee would have no need for and would not know what to do with a map. Gunnarsson suggests a map of access points which tells a mobile device when to start looking for an access point (or signals a user to do so). Once the Gunnarsson device is activated, it starts searching for signals from any nearby access point.

It should be noted that Lee is directed to a cell phone type system; whereas Gunnarsson is concerned with finding access points for internet connectivity. Gunnarsson uses cell phone signals to tell the mobile device when to activate and start looking for an access point. Thus, Gunnarsson makes no suggestion to Lee to use a map in conjunction with Lee's cell phone type system.

Moreover, because Gunnarsson merely signals the mobile device when it is close enough to an access point that it can start searching for a signal, if these teachings were incorporated into Lee, Lee would merely receive instructions (by cell phone?) when to turn off and start searching for cell phone signals. Such a modification of Lee would, of course, not meet the limitations of claim 1.

The dependent claims set forth more additional distinguishing features.

Accordingly, it is submitted that claim 1 and claims 4 and 6-8 dependent therefrom, distinguish patentably over the references of record.

Claim 9 distinguishes over the references of record for several reasons.

First, claim 9 calls for a map of relative signal strengths at predefined locations in space. Neither Lee nor Gunnarsson disclose or fairly suggest a map of relative signal strengths at predefined locations in space.

Second, claim 9 calls for a plurality of access points to be identified based on the predefined map. By contrast, Lee identifies access points by actual signal strength rather than looking to a map. Gunnarsson uses a map to tell a mobile device when it should turn on and start looking for an access point. However, once

Gunnarsson starts looking for an access point, it finds one based on signal strength, not spatial coordinates on a map.

The dependent claims set forth more additional distinguishing features.

Accordingly, it is submitted that claim 9 and claims 10-15, 17, and 21-23 dependent therefrom distinguish patentably over the references of record.

Claim 18 distinguishes over Lee and Gunnarsson for several reasons.

First, Lee calls for generating a map of relative signal strengths at predefined locations in the defined space. Lee generates no map of any kind. The “map” of Gunnarsson is not a map of relative signal strengths at predefined locations.

Second, claim 18 calls for an iterative process in which an accuracy of the calculated location of the mobile device is determined, compared with a threshold, signal strengths measured and organized, and the location and accuracy are recalculated. The Examiner does not address these limitations of claim 18. Rather, the Examiner refers the applicant to the discussion of claim 1. However, claim 1 and the Examiner’s discussion thereof does not address this iterative process.

The dependent claims set forth more additional distinguishing features.

Accordingly, it is submitted that claim 18 and claims 16, 19, and 20 dependent therefrom distinguish patentably and unobviously over the references of record.

Claims 24-26 include numerous distinctions over the references of record, including the following.

First, claim 24 calls for calculating a location of a mobile device by comparing actual signal strengths with a map of relative signal strengths. Neither Lee nor Gunnarsson disclose or fairly suggest this step. Lee does not use a map. The “map” of Gunnarsson is used to wake up the device so that it can start looking for an access point. Gunnarsson has no suggestion of a map of relative signal strengths much less that such a map can be used to locate the mobile device. To the contrary, Gunnarsson locates the mobile device before it is awakened.

Second, claim 24 calls for assigning access points based on the calculated location and the map. Neither Lee nor Gunnarsson assign access points based on a map. Lee has no map. Gunnarsson awakens a mobile device based on location so that the mobile device can start searching for an access point. Gunnarsson

does not assign the device to an access point. Rather, the mobile device of Gunnarsson, like Lee, works on signal strength to find the access point with the strongest signal.

Dependent claims 25 and 26 set forth yet additional distinguishing features.

Accordingly, it is submitted that claim 24 and claims 25 and 26 dependent therefrom distinguish patentably and unobviously over the references of record.

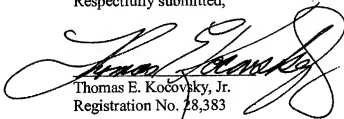
The applicants reserve the right to argue the patentability of any and each of the dependent claims over and above their respective parent claims in a timely filed Appeal Brief.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1, 4, and 6-26 distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the typed name and registration number.

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